

ORIGINAL

# FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of: ) MM DOCKET No.: 96-182  
EVERGREEN MEDIA CORPORATION )  
Order to Show Cause Why )  
the License for Station )  
KNFL(AM) Tremonton, Utah )  
Should Not Be Revoked )

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*Thomas A. Brinkman*

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Date: October 16, 1996

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In Re Applications of:	)	MM DOCKET No.: 96-182
	)	
EVERGREEN MEDIA CORPORATION	)	
	)	
Order to Show Cause Why	)	
the License for Station	)	
KNFL(AM) Tremonton, Utah	)	
Should Not Be Revoked	)	

Courtroom 3  
FCC Building  
2000 L Street, N.W.  
Washington, D.C.

Wednesday,  
October 16, 1996

The parties met, pursuant to the notice of the  
Judge, at 9:00 a.m.

BEFORE: HON. EDWARD LUTON  
Administrative Law Judge

APPEARANCES:

On behalf of Evergreen Media Corporation:

(No appearances)

On behalf of the Federal Communication  
Commission:

MARK BERLIN, ESQ.  
Federal Communication Commission  
2025 M Street, Northwest  
Room 8202  
Washington, D.C. 20554  
(202) 418-1423

Heritage Reporting Corporation  
(202) 628-4888

I N D E X

WITNESSES:                      DIRECT   CROSS   REDIRECT   RECROSS   VOIR DIRE  
(None)

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Mass Media Bureau:</u>			
1	5	5	--

Hearing Began: 9:00 a.m.

Hearing Ended: 9:05 p.m.

P R O C E E D I N G S

JUDGE LUTON: May I have the appearances, please?

MR. BERLIN: Mark Berlin, for the Mass Media Bureau.

JUDGE LUTON: All right. I understand that in this case, this case being Evergreen Media Corporation, Order to Show Cause Why the License for Station KNFL(AM), Tremonton, Utah Should Not Be Revoked, the Bureau is in possession of a surrendered license.

It appears that by letter dated September 30, 1996, Mr. E. Morgan Skinner, Jr., on behalf of Evergreen Media Corporation, returned the license for the station to the Bureau, stating this will alleviate the need for a revocation hearing. I think he is right about that.

Now, we would not be here today had both the Bureau and I had been aware of the surrender of the license at an earlier time. But through the fault of neither the Bureau nor my office, we have only recently become aware of the license surrender, so that's why we are here today.

Even had we been aware of the license surrender some time ago, it seems to me the situation would be the same as it is today, except that we would not have had this conference. That is to say the license, or the matter would have been certified to the Commission, perhaps the Bureau, for disposition. The license would have been in possession

1 of the Bureau, which is where it is now.

2 So rather than declaring that there has been a  
3 waiver of the hearing here, which requires certification and  
4 disposition and all that by the Bureau, I am simply going to  
5 terminate the case, and let the Bureau go ahead and do what  
6 it does in the instances, which I think is to cancel the  
7 license. There is nothing, it seems, for me to do except  
8 terminate this hearing.

9 I think terminating the hearing is the only thing  
10 that is different today -- no, that would have required a  
11 termination as well. I don't see that things have changed  
12 at all, quite frankly.

13 Do you, Mr. Berlin?

14 MR. BERLIN: No, Your Honor, I don't.

15 JUDGE LUTON: I really don't. The license is  
16 where it's going to wind up. It was going to wind up  
17 anyway, and only because I had this conference, it's  
18 necessary for me to terminate the hearing and not certify  
19 anything, and just let events take their natural course. So  
20 that's what I propose to do.

21 Is that all right?

22 MR. BERLIN: That's fine. Do you want this letter  
23 to be in the hearing record?

24 JUDGE LUTON: How about you? It was addressed to  
25 the Bureau. Do you want it in the record?

1 MR. BERLIN: That will be fine with us.

2 JUDGE LUTON: All right, we will put it in the  
3 record then. It is a letter dated September 30, 1996,  
4 submitted by Mr. Skinner on behalf of Evergreen Media,  
5 surrendering the license for KNFL-AM(KBXN-AM) Tremonton,  
6 Utah. That license was the subject of the order to show  
7 cause and hearing designation order released August 30,  
8 1996. That will be included in the record as Mass Media  
9 Bureau Exhibit 1?

10 MR. BERLIN: Yes. Yes, Your Honor.

11 JUDGE LUTON: All right, that is received.

12 (The document referred to was  
13 marked for identification as  
14 Mass Media Bureau Exhibit No.  
15 1, and received in evidence.)

16 JUDGE LUTON: Again, I am going now to terminate  
17 the hearing, and not do anything else. The Bureau is in  
18 possession of the license voluntarily surrendered by  
19 Evergreen Media, and this case will be over.

20 It is ordered that this hearing is hereby  
21 terminated.

22 (Whereupon, at 9:05 a.m., the hearing was  
23 concluded.)

24 //

25 //

**REPORTER'S CERTIFICATE**

**FCC DOCKET NO.:** 96-182

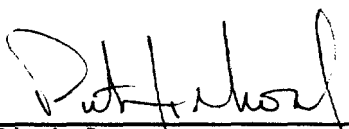
**CASE TITLE:** Evergreen Media Corporation

**HEARING DATE:** October 16, 1996

**LOCATION:** Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

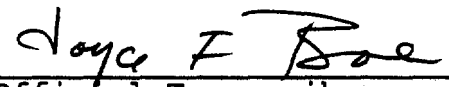
Date: 10-16-96

  
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Peter Knight Shoner

**TRANSCRIBER'S CERTIFICATE**

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.


Date: 10/18

  
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Official Transcriber  
Heritage Reporting Corporation  
Joyce F. Boe

**PROOFREADER'S CERTIFICATE**

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: 10/22/96

  
\_\_\_\_\_  
Official Proofreader  
Heritage Reporting Corporation  
Don R. Jennings

**EVERGREEN MEDIA CORPORATION**  
210 North 1000 East - St. George, Utah 84770  
(801) 628-1000 - FAX (801) 628-6636

**CERTIFIED RETURN RECEIPT**

September 30, 1996

Linda Blair, Chief  
Audio Services Division  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Ms. Blair:

We are returning to the FCC the license for KNFL-AM (KBXN-AM), Tremonton, Utah (BL-820216AM). This will alleviate the need for a revocation hearing.

We have no original of the license to surrender. It was never found after the purchase of the station.

Very truly yours,

**EVERGREEN MEDIA CORPORATION**

  
E. Morgan Skinner, Jr.  
Executive Vice President

CC: Edward Luton, Presiding Judge  
Henry Crawford, Esquire  
Lavon Randall

Encl.

EMS/pp

<b>Federal Communications Commission</b>	
Docket No. <u>MM 96-182</u>	Exhibit No. <u>MM-1</u>
Presented by <u>Berlin / FCC</u>	
Disposition	Identified <u>✓</u>
	Received <u>✓</u>
	Rejected <u>      </u>
Reported <u>      </u>	
Date <u>10-16-96</u>	